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Letter dated 31 January 2006 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit herewith an aide memoire on the position of the Government of the Republic of Cyprus, concerning the Turkish proposals on Cyprus, submitted to you on 20 January 2006 (see annex).

I should be grateful if this letter and the attached aide memoire could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Andreas D. **Mavroyiannis**

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Annex to the letter dated 31 January 2006 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Aide memoire

30 January 2006

The position of the Government of Cyprus regarding the proposals submitted by the Turkish Government to the Secretary-General on 20 January 2006

The Government of the Republic of Cyprus wishes to outline the basic parameters of its position regarding the proposals of the Turkish Government submitted to the United Nations Secretary-General by the Permanent Representative of Turkey to the United Nations, on 20 January 2006, and subsequently presented by the Minister for Foreign Affairs of the Republic of Turkey, Abdullah Gül, during a press conference held in Ankara on 23 January 2006.

The Government of the Republic of Cyprus takes note of Mr. Gül's statement, during the said press conference, that "priority should be given to finding a comprehensive settlement which would be lasting and just" and that "such a settlement in Cyprus under the good-offices mission of the United Nations Secretary-General is still attainable". It also shares Mr. Gül's "satisfaction that the United Nations Secretary-General remains engaged with the issue and he is prepared to re-launch the process once the conditions are suitable".

It is, however, difficult to see how these proposals might serve any of the above objectives. After thoroughly examining them, we have come to the conclusion that they neither contribute to the creation of the appropriate conditions for the resumption of negotiations, nor do they reflect a genuine interest in the substance of the problem they claim to address. They are problematic in terms of procedure, principle and substance. Their effect is to widen the gap between the respective positions of the Cypriot and Turkish Governments rather than assist in creating common ground. Therefore, the Government of the Republic of Cyprus is not in a position to accept the above-mentioned proposals.

There is nothing in these proposals that could be interpreted as even a slight movement of the Turkish side from their long held intransigent positions or as an expression of any willingness to address, discuss or accommodate any of the core concerns of the Greek Cypriots. On the contrary the Turkish proposals completely disregard the nature and the main parameters of the Cyprus problem. They do not seek reunification or rapprochement but the realization of goals that merely solidify Turkish interests on Cyprus while evading the fulfilment of the most essential conditions that govern Turkey's accession process to the European Union

The first six points in the "action plan" described in the Turkish proposals are a mere repetition of previous proposals submitted by the Turkish Minister for Foreign Affairs to the Secretary-General, last May (A/59/820-S/2005/355). The response of the Cyprus Government to the proposals submitted then is still valid (see A/59/857-S/2005/422).

The sole new element in the newly submitted Turkish proposals is the set of the remaining four points of the "action plan", which are described as "procedural steps for the implementation". These points are particularly troubling, in that Turkey invites the Secretary-General to adopt, endorse and promote the Turkish proposals through the convening of a "high-level meeting with the participation of Turkey, Greece, the Turkish Cypriot side and the Greek Cypriot side", the outcome of which would be subsequently endorsed by the Security Council. In fact, these proposals are an obvious effort by Turkey to involve the United Nations Secretary-General and the Security Council on its side in an issue which concerns the European Union. Turkey attempts to subdue its legal obligations towards the EU for the accomplishment of its unchanging objectives in Cyprus, that is the promotion of a separate Turkish Cypriot entity in the occupied area of Cyprus, hiding its true intentions under the guise of the so-called ending of the isolation of the Turkish Cypriots. We believe that the United Nations has no role in this issue since the Secretary-General is mandated by the Security Council with a mission of good offices for finding a Cyprus settlement through negotiations between the two communities on the island. The United Nations should not be drawn into an issue involving Turkey's responsibilities towards the EU.

The idea of a quadripartite meeting, a long-term objective of Turkish foreign policy, cannot be accepted. It aims to equate the status of the Republic of Cyprus with that of the Turkish Cypriot community, either by downgrading the status of the Republic of Cyprus or by upgrading the status of the secessionist entity, possibly short of political recognition, as full separate statehood status, at this stage, would deprive the Turkish Cypriots of benefits deriving from the accession of Cyprus to the EU.

In addition, Turkey attempts to render legitimacy to the secessionist entity by granting to it governmental functions such as the control of ports and airports, in contravention to Security Council resolutions, in particular resolutions 541 (1983) and 550 (1984) and relevant international conventions. Under international law, every State in exercising its sovereignty has the indisputable right to determine which of its ports and airports are open and functioning, as well as to define the terms of operation and access for these ports and airports. In exercising its sovereignty, the Republic of Cyprus has declared closed to international traffic its ports in Kyrenia, Famagusta and Karavostasi and has not designated any airports in the occupied areas of Cyprus as open and functioning since 1974. The Government of the Republic of Cyprus has undertaken specific legal obligations towards the international community and the EU, which it must fulfil at all times, especially on the safety of shipping, customs, transboundary international crime, security, illegal immigration, narcotic drugs trafficking and terrorism.

It should be noted that what is erroneously described by the Turkish side as "isolation" of the Turkish Cypriots is, in fact, nothing more than the consequence of the illegal Turkish military occupation of northern Cyprus and the purported declaration of an "independent state". It is a self-inflicted wound of their policy of pursuing status rather than pursuing settlement. The Government of Cyprus is fully committed to, and working towards, the economic development of the Turkish Cypriot community, but it should be stressed again that the pursuit of this objective cannot be at the expense or in the form of erosion of Security Council resolutions (in particular resolutions 541 (1983) and 550 (1984)). It should be achieved in full respect of legality and though measures that do not infringe upon the sovereign

rights of the Republic of Cyprus or assist in any way the secessionist aims of Turkey and the Turkish Cypriot leadership.

The reference to "special arrangements for the practical inclusion of North Cyprus, as an economic entity, into the European Union's custom union" (fifth point of the action plan in the Turkish proposals) is particularly enlightening as to the true Turkish intentions, since it insinuates that there exists in the occupied area of Cyprus a separate entity, which is not part of the territory of the Republic of Cyprus. It should be recalled in this regard that under the Cyprus accession treaty the entirety of the territory of the Republic of Cyprus is part of the European Union but the application of the *acquis communautaire* is temporarily suspended in the area north of the ceasefire line (known as the Green Line) due to the Turkish occupation and the ensuing impossibility for the Government of Cyprus to exercise effective control in that area.

The European Union and its member States have repeatedly stressed that they "expect from (Turkey) full, not discriminatory implementation of the Additional Protocol and the removal of all obstacles to the free movement of goods, including restriction of means of transport". Mr. Oli Rehn, member of the European Commission responsible for enlargement, during the meeting of the EU-Turkey joint Parliamentary Committee in Brussels, on 23 November 2005, stated the following: "By opening accession negotiations, the EU kept its word and respected its commitment. Now we expect Turkey to honour its commitments; to begin with, as mentioned in the Accession Partnership, Turkey must ensure the implementation of commitments undertaken under the Association Agreement, including the customs union. This applies, in particular, to the crucial issue of the ratification and full implementation of the Additional Protocol to the Ankara Agreement, including lifting the restrictions on Cypriot vessels docking at Turkish ports".

The Government of Cyprus has consistently been promoting specific and concrete measures aiming at building confidence between the two communities in Cyprus and advancing the economic development of the Turkish Cypriots. This is an ongoing process pursued in a way that is consistent and in compliance with international norms and EU and Cyprus domestic law.

Furthermore, since April 2004, the Government of the Republic of Cyprus gave its agreement and asked for the immediate adoption of the EU financial regulation in support of the Turkish Cypriot community, amounting to €259 million. Unfortunately, a series of efforts, with the active support of the Republic of Cyprus, to make progress on this issue failed on two occasions in 2005, due to the intransigence of the Turkish side.

The Cyprus Government remains committed to the full implementation of the "Green Line" regulation, which allows trade of products within the island and exports of Turkish Cypriot products through the legal ports and airports of the Republic of Cyprus. We urge the Turkish side to lift the obstacles it has created for two-way trade between the two communities.

The Government of Cyprus has shown its good will with the proposal of President Papadopoulos, in August 2004, concerning Varosha. Moreover, we have accepted the compromise proposed by the EU Luxembourg Presidency last June and reiterated our support to the understanding reached with the Commission last December, involving the opening of the Famagusta port, under EU auspices, the

return of Varosha to its lawful inhabitants and a moratorium on the exploitation of Greek Cypriot properties in the occupied areas of the Republic.

Our major contribution to the collective effort for the creation of the appropriate conditions and the preparation of the ground for the resumption of the United Nations negotiations remains, however, the political will and courage demonstrated by the Republic of Cyprus, in its capacity as an EU member State, when significant decisions were to be taken by the European Union concerning the opening of accession negotiations with Turkey. In spite of our predicament we have consistently adopted a constructive approach. It is high time now that Turkey honours its own commitments and obligations stemming from its accession negotiations with the European Union, including the unconditional ratification and implementation of the Additional Protocol to the Ankara Agreement extending the customs union to the 10 new EU member States, providing for the immediate removal of all restrictions on Cyprus flagged vessels and vessels serving Cyprus trade, as well as the lifting of all discriminatory measures against member States' carriers on the basis of their nationality. Turkey needs also to stop vetoing Cyprus participation in international organizations and take steps towards normalization of bilateral relations between Turkey and Cyprus, as called for in the Accession Partnership.

In conclusion, we firmly believe that the content of the Turkish proposals cannot be considered as falling within the framework of the Secretary-General's mission of good offices and does not constitute any positive movement from the Turkish side, nor does it represent a genuine contribution towards the settlement of the Cyprus problem. It is obvious that the insistence of Turkey on the projection of a separate entity in the occupied part of Cyprus using as a pretext the so-called isolation of the Turkish Cypriot community, and its attempt to exchange the achievement of this goal in return for the fulfilment of its contractual obligations towards the European Union, is a counterproductive and sterile approach and does not serve the purpose of our collective efforts to create the right conditions for the resumption of the United Nations negotiations on Cyprus.

The Government of the Republic of Cyprus remains committed to a fair and sustainable resolution of the Cyprus problem. It reiterates its willingness to engage, following thorough preparation of the ground, in meaningful and substantive negotiations, without arbitration and strict deadlines, in order to reach a comprehensive settlement in accordance with the Security Council resolutions and the principles upon which the EU was founded.